
SENATE BILL No. 205

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-15.

Synopsis: Environmental permits. Provides that a person must apply for a new permit and meet the requirements of all applicable environmental laws existing at the time the new permit is sought if the person: (1) fails to act under an environmental construction or operating permit before the statutory deadline; or (2) applies for renewal of a permit. Allows the commissioner of the department of environmental management to revoke or modify a permit if a person fails to act under an environmental construction or operating permit before the statutory deadline.

Effective: July 1, 2007.

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January 8, 2007, read first time and referred to Committee on Energy and Environmental Affairs.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 205

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-15-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A permit issued
3 under:

- 4 (1) this article (except IC 13-15-9);
5 (2) IC 13-17-11;
6 (3) IC 13-18-18; or
7 (4) IC 13-20-1;

8 may be issued for any period determined by the department to be
9 appropriate but not to exceed five (5) years.

10 (b) Except as provided in federal law, a valid permit that has been
11 issued under this chapter that concerns an activity of a continuing
12 nature may be renewed for a period of not more than ten (10) years as
13 determined by the department. The board shall adopt rules
14 implementing this subsection.

15 (c) **A person that:**

- 16 (1) **holds a valid construction permit issued under this**
17 **chapter; and**



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1 **(2) has not commenced construction within:**
 2 **(A) five (5) years after the date of the permit; or**
 3 **(B) a different period established in another statute during**
 4 **which the person is required to commence construction;**
 5 **must apply for a new construction permit and meet the**
 6 **requirements of all applicable environmental laws existing at the**
 7 **time the new permit is sought.**

8 **(d) A person that:**

9 **(1) holds a valid operating permit issued under this chapter;**
 10 **and**

11 **(2) has not commenced operation within:**
 12 **(A) five (5) years after the date of the permit; or**
 13 **(B) a different period established in another statute during**
 14 **which the person is required to commence operation;**
 15 **must apply for a new operating permit and meet the requirements**
 16 **of all applicable environmental laws existing at the time the new**
 17 **permit is sought.**

18 ~~(c)~~ **(e)** The commissioner may delegate authority to issue or deny
 19 permits to a designated staff member.

20 SECTION 2. IC 13-15-3-6 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) When a person
 22 holding a valid permit concerning an activity of a continuing nature has
 23 made a timely and sufficient application for a renewal or a new permit
 24 in accordance with rules of one (1) of the boards, the existing permit
 25 does not expire until a final determination on the application has been
 26 made by the department. However, the commissioner may seek
 27 injunctive relief with regard to the continuing activity of the permit
 28 applicant while the permit application is pending if the continuing
 29 activity of the permit applicant constitutes a threat to the public health,
 30 safety, or welfare.

31 **(b) If a person holding a valid construction permit concerning**
 32 **a facility seeks a renewal of the permit and has not commenced**
 33 **construction of the facility, the person must submit a new**
 34 **construction permit application that complies with environmental**
 35 **laws existing at the time the new permit is sought.**

36 **(c) If a person holding a valid operating permit concerning an**
 37 **activity seeks a renewal of the permit and has not commenced**
 38 **operation, the person must submit a new operating permit**
 39 **application that complies with environmental laws existing at the**
 40 **time the new permit is sought.**

41 ~~(b)~~ **(d)** An application for renewal of a hazardous waste disposal
 42 facility operating permit under IC 13-22-3 must be submitted at least

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one hundred eighty (180) days before the expiration of the facility's current permit to be considered timely under this section.

SECTION 3. IC 13-15-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Except as provided in sections 2 and 4 of this chapter, the commissioner or a designated staff member may revoke or modify a permit granted by the department under environmental management laws or IC 13-7 (before its repeal) for any of the following causes:

- (1) Violation of any condition of the permit.
- (2) Failure to disclose all of the relevant facts.
- (3) Any misrepresentation made in obtaining the permit.
- (4) Changes in circumstances relating to the permit that require either a temporary or permanent reduction in the discharge of contaminants.
- (5) Failure of a permit holder to commence construction on the facility for which the construction permit was issued within:**
 - (A) five (5) years after the date of the permit; or**
 - (B) a different period established in another statute during which the permit holder is required to commence construction.**
- (6) Failure of a permit holder to commence operation of the facility for which the operating permit was issued within:**
 - (A) five (5) years after the date of the permit; or**
 - (B) a different period established in another statute during which the permit holder is required to commence operation.**
- ~~(5)~~ **(7) Any other change, situation, or activity relating to the use of a permit that, in the judgment of the department, is not consistent with the following:**
 - (A) The purposes of this title.**
 - (B) Rules adopted by one (1) of the boards.**

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